

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 25, 1945  
10:40 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding, said meeting having been postponed to Friday, at the request of the Mayor.

Roll call

Present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller - 4  
Absent: Councilman Wolf - 1

Present also: J. E. Motheral, City Engineer; W. T. Williams, City Attorney; and R. D. Thorp, Chief of Police; absent, Walter E. Seaholm, City Manager.

The minutes of the Regular Meeting of May 10 and May 17, 1945, were read; and on motion of Councilman Alford were adopted as read by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes: None  
Absent: Councilman Wolf

Miss Emma L. Otto appeared before the Council and complained of: (1) the damage being done to the retaining wall on Waller Creek by lawless persons; (2) the conduct of the tenants in her rent house at 203 Red River Street. Both matters were referred to the Chief of Police for attention.

Mesdames J. T. Eaves and Lyman J. Bailey appeared before the Council relative to their request previously submitted for the removal of a trailer camp in the 1400 block of East 2nd Street. The matter was referred to the City Attorney, with instructions to notify the owner of the camp that same must be moved by June 1.

Wright Stubbs, attorney, and client, Mr. Fliere, appeared before the Council in the matter of a wine and beer permit for the Triangle Inn to be located at 2701 Guadalupe Street. Action on the matter was delayed, pending approval of the plans and specifications by the Building Inspector.

Fannie Gay, colored, 2603 Robinson Street, appeared before the Council and complained that her property was being overflowed by reason of the City's failure to put in a storm sewer at said location, for which an easement had been granted. The matter was referred to the City Engineer and the City Attorney for investigation and report back to the Council.

A written request by Bradfield and Brush for the vacation of Patterson Lane from the Southern Pacific Railroad track to Wilshire Boulevard, together with a letter from Mrs. Herman Schieffer agreeing to the vacation, and a report from the City Plan Commission recommending same, was received.

Mr. M. H. Crockett appeared to protest the above matter unless another street were opened up to give him access to his adjoining property.

After some discussion, the matter was referred to the City Attorney to prepare the necessary ordinance closing said street as agreed upon.

The application of HAROLD JIM ARNOLD, 1707 Manor Road, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes : None  
Absent: Councilman Wolf

The application of JAMES EDWIN FLUITT, 1207 West Mary Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes : None  
Absent: Councilman Wolf

The application of RAYMOND G. LEDESMA, 2515 East 5th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes : None  
Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in NORTHLAND DRIVE, from Burnet Road west 158 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Northland Drive.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (2) A gas main in BURNET ROAD from Northland Drive south 242 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Burnet Road.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (3) A gas main in FREDERICKSBURG ROAD from a point 50 feet north of Treadwell Street south to West Gibson Street, the centerline of which gas main shall be 28 feet west of, and parallel to, the centerline of said Fredericksburg Road.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (4) A gas main in WEST GIBSON STREET from Fredericksburg Road east 276 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said West Gibson Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (5) A gas main in SWISHER STREET from a point 3 feet south of East 24th Street southerly 200 feet, the centerline of which gas main shall be 5 feet west of, and parallel to, the east property line of said Swisher Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (6) A gas main in BRIDLE PATH from a point 8 feet west of Raleigh Avenue westerly 267 feet, the centerline of which gas main shall be 11.5 feet south of, and parallel to, the north property line of said Bridle Path.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Cedric Burgher is the Contractor for the erection of a building located at 1710 Guadalupe Street and desires a portion of the street space abutting a lot 86x99 feet on the northeast corner of Block 33 of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Cedric Burgher, the boundary of which is described as follows:

Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 18th Street to a point 12 feet north of the south curb line; thence in a westerly direction and parallel with the centerline of West 18th Street approximately 99 feet to a point; thence in a southerly direction and at right angles to the centerline of West 18th Street to the northwest corner of the above described property.

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Guadalupe Street to a point 12 feet east of the west curb line; thence in a southerly direction and parallel with the centerline of Guadalupe Street approximately 86 feet to a point; thence in a westerly direction and at right angles to the centerline of Guadalupe Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Cedric Burgher, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be

protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment and other obstructions shall be removed not later than December 1, 1945.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand Dollars (\$2,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, T. A. Webb is the Contractor for the alteration of a building located at 200-02 East 6th Street, and desires a portion of the street space abutting Lot 1, Block 68, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. That space for the uses hereinabove enumerated be granted to said T. A. Webb, the boundary of which is described as follows:

Street Working Space

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles to the centerline of East 6th Street approximately 4 feet to a point; thence in an easterly direction and parallel with the centerline of East 6th Street approximately 23 feet to a point; thence in a northerly direction and at right angles to the centerline of East 6th Street to the south line of the above described property.

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Brazos Street to a point 14 feet west of the east curb line; thence in a southerly direction and parallel to the centerline of Brazos Street approximately 60 feet to a point; thence in an easterly direction and at right angles to the centerline of Brazos Street to the west line of the above described property.

2. That the above privileges and allotment of space are granted to the said T. A. Webb, hereinafter termed "Contractor", upon the following

express terms and conditions:

- (1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.
- (2) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least eight feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored, and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger.
- (3) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.
- (4) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.
- (5) That "No Parking" signs shall be placed on the street side of the barricades.
- (6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.
- (7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.
- (8) That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.
- (9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than July 15, 1945.
- (10) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation

of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes : None  
Absent: Councilman Wolf

Mayor Miller moved that, the terms of three members of the Lake Austin Navigation Board having expired, the following be appointed as members of said Board for the term ending January 1, 1947:

Marion Fowler  
Joe Taylor  
A. N. McCallum, Jr.

The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes : None  
Absent: Councilman Wolf

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, BEING A GENERAL REVISION OF THE ZONING ORDINANCE OF THE CITY OF AUSTIN, WHICH AMENDATORY ORDINANCE IS RECORDED IN BOOK "1", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY ENACTED MAKING CERTAIN ADDITIONS AND CHANGING IN CERTAIN PARTICULARS THE WORDING OF THE FOLLOWING SECTIONS: SECTION 2; ITEM 4, SECTION 4;



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 ITEM 6, SECTION 5; ITEM 7, SECTION 5; SECTION 6;  
 ITEM 2, SECTION 7; SECTION 27 (b) (5); SECTION 31  
 (b); SECTION 31 (c); PROVIDING A SAVING CLAUSE;  
 AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved, seconded by Councilman Bartholomew, that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
 Noes : None  
 Absent: Councilman Wolf

The ordinance was read the second time and Councilman Gillis moved, seconded by Councilman Bartholomew, that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
 Noes : None  
 Absent: Councilman Wolf

The ordinance was read the third time and Councilman Gillis moved, seconded by Councilman Bartholomew, that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
 Noes : None  
 Absent: Councilman Wolf

Mayor Miller then announced that the ordinance had been finally passed.

The following resolution was submitted:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1935 through 1944 on personal property and for the year 1938 on the E. 64'x98' average of Lot 12, Block F, Outlot S $\frac{1}{2}$  7, 8, Division 2, Shelley Heights, Flat 90-B, in the City of Austin, Travis County, Texas, were assessed in the name of I. Laibovitz; said taxes for said years being in the amount of \$105.86, and for non-payment of same at maturity, penalty in the sum of \$4.59 has been assessed, and interest in the amount of \$27.21 has accrued, making the total amount of taxes, penalty and interest due \$137.66; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$4.59 and one-half of the interest in the sum of \$13.60; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$4.59 and one-half of the interest in the sum of \$13.60 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$4.59 and said interest in the sum of \$13.60 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and one-half of the interest as aforesaid.

Upon motion, the foregoing resolution was adopted by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller  
Noes : None  
Absent: Councilman Wolf

There being no further business, upon motion, seconded and carried, the meeting was recessed at 12:10 P. M., subject to call of the Mayor.

APPROVED:

Tom Miller.  
MAYOR

ATTEST:

Gallie M. Keller  
CITY CLERK